

M. Prendergast

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MFNT
ORIGINALLY FILED

6-20-08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVIN FRANK,
Individually and on behalf of a class,

Plaintiff,

v.

1337 THIRD AVENUE, LLC,
d/b/a ATLANTIC GRILL,

Defendant.

Case No. 07 CV 11420 (VM)

**ORDER OF DISMISSAL
WITH PREJUDICE**

The parties having executed a "Settlement Agreement and Mutual Release" on or about June 19, 2008; and

WHEREAS, on December 20, 2007, Marvin Frank, on behalf of a putative class of persons, filed a complaint, and on April 11, 2008 an Amended Complaint alleging that defendant violated the Fair and Accurate Credit Transactions Act, 15 U.S.C. §1681c(g) ("FACTA"); and

WHEREAS, in order to avoid the expense and uncertainty of litigation, the parties wish to resolve, settle, and obtain a mutual release of all claims that were or could have been brought in the above litigation; it is hereby

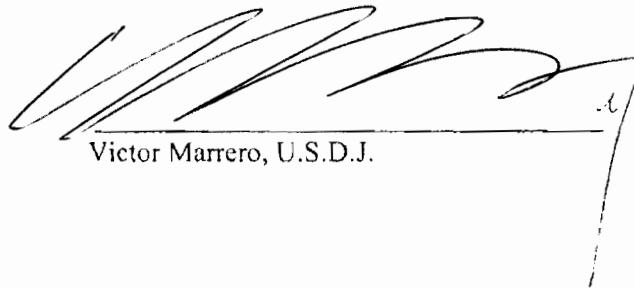
ORDERED, that the within cause of action is dismissed without costs and with prejudice in accordance with the terms set forth in the Settlement Agreement and Mutual Release; and it is further

ORDERED, that to the extent any rights or any obligations of either party are set forth in the Settlement Agreement and Mutual Release, these shall continue to remain in effect in accordance with the terms of the said Settlement Agreement and Mutual Release.

Dated: New York, New York

June 20, 2008

SO ORDERED:

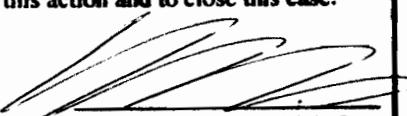


Victor Marrero, U.S.D.J.

SO ORDERED. The Clerk of Court is directed to withdraw any pending motions in this action and to close this case.

SO ORDERED.

6-20-08
Date



Victor Marrero, U.S.D.J.